

ORDINANCE NO. 740

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, STATE OF ARIZONA, REPEALING ORDINANCE NUMBER 732 AND AMENDING THE TOWN CODE OF WICKENBURG BY DELETING ARTICLE 2-4 RELATING TO INITIATIVE AND REFERENDUM; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

WHEREAS, for many years not only has there been a lack of understanding by some persons in Wickenburg but also confusion of some other people residing in certain other Arizona municipalities that, for whatever reason, had failed or seen fit not to codify in their respective Town Codes and/or charters, provisions related to the number of signatures required on initiative and referendum petitions, the deadline for filing such petitions and provisions to recoup some of the taxpayers' monies expended for the printing and distributing of pro and con arguments in pamphlets explaining referendum and initiative propositions, and

WHEREAS, lawsuits have been filed by taxpayers against municipalities, including the Town of Wickenburg, designed to clarify various issues surrounding the initiative and referendum process, and

WHEREAS, in 1990, one resident of the Town argued that the number of signatures required to file and validate an initiative petition was based upon the number of persons voting in the last preceding election for members of the Town Council as opposed to a percentage of persons qualified to vote within the Town of Wickenburg at the time the initiative petition was filed, and

WHEREAS, the Mayor and Common Council, encouraged by the League of Arizona Cities and Towns, determined to set forth in law various provisions related to initiatives and petitions by codifying the holdings, among other things, of an Arizona Supreme court decision and in accordance with its determination, approved and adopted Ordinance Number 732, thereby establishing guidelines that would be easy to follow and that would not only apprise, in advance, anyone seeking to circulate initiative petitions of the requirements he or she would have to fulfill, but also avoid having to litigate, at taxpayers' expense, questions related to initiative and referendum petitions.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL of the Town of Wickenburg, County of Maricopa, State of Arizona, as follows:

Section I. In General

Ordinance Number 732 heretofore approved and adopted by the Mayor and Common Council is hereby repealed in its entirety, and The Town Code of Wickenburg is amended by deleting therefrom Article 2-4 dealing with Initiative and Referendum Petitions.

Section II. Providing For Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of this ordinance, or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance, or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

APPROVED, PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, STATE OF ARIZONA, THIS 18th DAY OF March, 1991, BY 6 VOTING "YES" AND 0 VOTING "NO" WITH A QUORUM IN EXISTENCE CONSISTING OF 7 COUNCILMEMBERS. (1 abstaining).

ATTEST:

Edna Grieves
Edna Grieves, Town Clerk

James M. Mason
James M. Mason, Mayor

Date Signed: 3/25/91

Date Signed: March 18, 1991

APPROVED AS TO FORM:

First Reading: March 4, 1991

Harry E. Craig
Harry E. Craig, Town Attorney

Second and
Final Reading: March 18, 1991

Date Signed: 3/6/91

Minutes of March 18, 1991, meeting of Mayor and Common Council at which this Ordinance was approved, passed and adopted were certified on the 22nd day of March, 1991.

By: Karin J. Bistodeau
Deputy Town Clerk